

Message Text

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ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 SCA-01 JUSE-00 DHA-02 SCS-03

AID-05 HEW-02 PM-04 NSC-05 SP-02 SS-15 H-02 PRS-01

PA-01 DODE-00 DEAE-00 CIAE-00 INR-07 IO-11 NSAE-00

SNM-02 TRSE-00 USIA-06 OES-03 OMB-01 IGA-02 /086 R

DRAFTED BY L/M:NHELY:EDD

APPROVED BY L/M:KEMALMBORG

L/T - MR. J. BOYD

EA/TB - MR. R. GIBSON

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R 102354Z MAR 76

FM SECSTATE WASHDC

TO AMEMBASSY BANGKOK

INFO COMUSMACHTHAI

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E.O. 11652: N/A

TAGS: PFOR, TH

SUBJECT: EXTRADITION TREATY NEGOTIATIONS -- THAILAND

1. THE EMBASSY IS AUTHORIZED TO PROPOSE THE AGREEMENT SET FORTH IN PARAGRAPH 3 TO RTG. IF ACCEPTABLE, AND OF COURSE WE ARE AGREEABLE TO NEGOTIATING ON WORDING, THE AGREEMENT WOULD BE SUBJECT TO RATIFICATION BY THE SENATE.

2. ITEM 25 (FORMER 24) WAS AMENDED TO INCLUDE "CONSPIRACY TO COMMIT" WHICH IS OF SPECIAL IMPORTANCE IN NARCOTICS CASES. THIS WAS NOT SUGGESTED IN STATE 234217 BUT, IN INTEREST OF TIME, INCLUDED IN DRAFT PROTOCOL AND THEREFORE OPEN TO NEGOTIATION.

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3. (QUOTE) THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND THE GOVERNMENT OF THE KINGDOM OF THAILAND, DESIRING TO
MAKE MORE EFFECTIVE THE EXTRADITION TREATY DONE AT BANGKOK
ON DECEMBER 3, 1922;

HAVE RESOLVED TO CONCLUDE A SUPPLEMENTARY CONVENTION
AND HAVE AGREED AS FOLLOWS:

ARTICLE I

THE FOLLOWING ARTICLE SHALL BE INSERTED AFTER ARTICLE I
OF THE TREATY OF 1922:

ARTICLE I BIS

WITHOUT PREJUDICE TO THE JURISDICTIONAL PROVISION OF
ARTICLE I OF THIS TREATY WHEN THE OFFENSE FOR WHICH EXTRA-
DITION HAS BEEN REQUESTED HAS BEEN COMMITTED OUTSIDE THE
REQUESTING STATE, THE EXECUTIVE OR OTHER APPROPRIATE AUTHO-
RITY OF THE REQUESTED STATE SHALL HAVE THE POWER TO GRANT
THE EXTRADITION IF THE LAWS OF THE REQUESTED STATE PROVIDE
FOR JURISDICTION OVER SUCH AN OFFENSE COMMITTED IN SIMILAR
CIRCUMSTANCES.

ARTICLE II

ARTICLE II OF THE TREATY OF 1922 IS AMENDED AS FOLLOWS:

I. ITEM 24 IS AMENDED TO READ AS FOLLOWS:

24. UNLAWFUL INTRODUCTION OR IMPORTATION, EXPOR-
TATION, FABRICATION, PRODUCTION, PREPARATION, SALE, DE-
LIVERY OR SUPPLY OF NARCOTIC DRUGS, PSYCHOTROPIC DRUGS,
INCLUDING CANNABIS SATIVA L, AND CHEMICALS OR SUBSTANCES
INJURIOUS TO HEALTH OR OF PRIMARY MATERIALS DESIGNED FOR
SUCH FABRICATION.

II. THE FOLLOWING ITEM 25 SHALL BE INSERTED AFTER THE
ABOVE ITEM 24:

25. EXTRADITION SHALL ALSO BE GRANTED FOR ANY
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ATTEMPT OR CONSPIRACY TO COMMIT OR PARTICIPATE IN ANY OF
THE CRIMES BEFORE MENTIONED, PROVIDED SUCH PARTICIPATION
IS PUNISHABLE BY THE LAWS OF BOTH THE HIGH CONTRACTING
PARTIES.

ARTICLE III

ARTICLE VIII OF THE TREATY OF 1922 IS AMENDED TO READ

AS FOLLOWS:

NEITHER OF THE CONTRACTING PARTIES SHALL BE BOUND
TO DELIVER UP ITS OWN CITIZENS UNDER THE STIPULATIONS OF
THIS TREATY, BUT THE EXECUTIVE AUTHORITY OF EACH SHALL
HAVE THE POWER TO DELIVER THEM UP, IF, IN ITS DISCRETION,
IT BE DEEMED PROPER TO DO SO.

ARTICLE IV

THIS SUPPLEMENTARY CONVENTION SHALL APPLY TO OFFENSES
SPECIFIED IN ARTICLE II OF THE TREATY OF 1922 AS HEREIN
AMENDED COMMITTED BEFORE AS WELL AS AFTER THE DATE THIS
SUPPLEMENTARY CONVENTION ENTERS INTO FORCE PROVIDED THAT
NO EXTRADITION SHALL BE GRANTED FOR AN OFFENSE COMMITTED
BEFORE THE DATE THIS SUPPLEMENTARY CONVENTION ENTERS INTO
FORCE WHICH WAS NOT AN OFFENSE UNDER THE LAWS OF BOTH
COUNTRIES PARTIES AT THE TIME OF ITS COMMISSION.

ARTICLE V

EACH CONTRACTING PARTY WILL NOTIFY THE OTHER UPON THE
COMPLETION OF ITS CONSTITUTIONAL PROCEDURES REQUIRED FOR
ENTRY INTO FORCE OF THE PRESENT SUPPLEMENTARY CONVENTION.
IT SHALL ENTER INTO FORCE THIRTY DAYS AFTER EXCHANGE OF
INSTRUMENTS ATTESTING TO THE COMPLETION OF THESE FORMALI-
TIES. THESE INSTRUMENTS SHALL BE EXCHANGED AT BANGKOK
(WASHINGTON).

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHO-
RIZED THERETO BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED
THIS SUPPLEMENTARY CONVENTION.

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DONE IN DUPLICATE AT WASHINGTON (BANGKOK) THIS
DAY OF , NINETEEN HUNDRED
SEVENTY-SIX

FOR THE GOVERNMENT OF THE FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA KINGDOM OF THAILAND

(UNQUOTE). INGERSOLL

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